

**REMARKS**

This Application has been carefully reviewed in light of the Final Office Action mailed October 3, 2006 ("Office Action"). Applicants appreciate the Examiner's consideration of the Application. Claims 1-41 are pending in the Application. In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Applicants respectfully request reconsideration and favorable action in this case.

**Final Rejection**

Applicants respectfully traverse the final rejection of the Office Action. According to M.P.E.P § 706.07(a):

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Applicants point out that the Examiner introduced a new ground of rejection that was not necessitated by Applicants' amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). Independent Claim 16, which was not amended, clearly states:

A system for optimizing point-to-point sessions comprising:  
***at least one packet data serving node operable to:***

receive a registration request from a mobile node, the mobile node communicating with a current packet controller function serviced by the packet data serving node;

determine whether the registration request comprises a previous access network identifier identifying a previous packet controller function;

determine whether the mobile node is serviced by a mobile Internet Protocol;

determine whether the mobile node communicated with a previous packet controller function serviced by the packet data serving node;  
and

decide whether to negotiate a point-to-point session for the mobile node in response to the determinations.

(Emphasis added.)

To properly reject Claim 16, the Examiner should use the combination of U.S. Patent Application Pub. No. 2002/0114293 to Madour et al. ("*Madour I*"), U.S. Patent Application Pub. No. 2003/0099219 to Abrol et al. ("*Abrol*"), and U.S. Patent No. 6,904,033 to Perras et al. ("*Perras*") used to reject Claim 1. In rejecting Claim 1, the Examiner clearly states:

Madour and Abrol do not explicitly teach the PDSN determining whether [the] registration request comprises [a] previous access network identifier identifying a previous packet controller function, whether the mobile node communicated with [a] previous packet controller function serviced by the packet data serving node, and deciding whether [to] negotiate a point-to-point session for [the] mobile node response to the determinations.

(Office Action, Page 3.) The Examiner uses *Perras* to teach the elements of Claim 1 that *Madour* and *Abrol* do not teach. (Office Action, Page 3.)

Independent Claim 16, however, includes:

at least at least one packet data serving node operable to:

receive a registration request from a mobile node, the mobile node communicating with a current packet controller function serviced by the packet data serving node;

determine whether the registration request comprises a previous access network identifier identifying a previous packet controller function;

determine whether the mobile node is serviced by a mobile Internet Protocol;

determine whether the mobile node communicated with a previous packet controller function serviced by the packet data serving node; and

decide whether to negotiate a point-to-point session for the mobile node in response to the determinations.

Thus, the Examiner would have to use a combination of *Madour I*, *Abrol*, and *Perras* to reject Claim 16. This, however, is a new ground of rejection that is not necessitated by Applicants' amendment of Claim 16.

Consequently, the Office Action was improperly made final. Accordingly, Applicants respectfully request reconsideration and favorable action.

### **Section 103 Rejections**

The Examiner rejects under 35 U.S.C. § 103(a): Claims 1-5, 8-12, 15, 17-20, 25, 33-36, 39, 40, and 41 as being unpatentable over *Madour I* in view of *Abrol*, and further in view of *Perras*; Claims 16 and 23 as being unpatentable over *Madour I* in view of *Abrol*; Claims 6, 7, 13, 14, 21, 22, 26-32, 37, and 38 as being unpatentable over *Madour I* in view of *Abrol*

and further in view of U.S. Patent No. 6,876,640 to Bertrand et al. ("*Bertrand*"); and Claim 24 as being unpatentable over *Madour I* in view of *Abrol* and further in view of U.S. Patent No. 6,834,050 to Madour et al. ("*Madour II*"). Applicants respectfully traverse these rejections for the reasons discussed below.

Applicants respectfully submit that the combinations proposed by the Examiner fail to disclose, teach, or suggest the elements specifically recited in Applicants' claims. For example, the *Madour I* - *Abrol* - *Perras* combination proposed by the Examiner fails to disclose, teach, or suggest the combination of elements specifically recited in independent Claim 1:

determining, at the packet data serving node, whether the registration request comprises a previous access network identifier identifying a previous packet controller function;

determining, at the packet data serving node, whether the mobile node is serviced by a mobile Internet Protocol;

determining, at the packet data serving node, whether the mobile node communicated with a previous packet controller function serviced by the packet data serving node; and

deciding, at the packet data serving node, whether to negotiate a point-to-point session for the mobile node in response to the determinations.

The Examiner relies on Figure 2, step 20, of *Perras* to disclose "deciding, at the packet data serving node, whether to negotiate a point-to-point session for the mobile node in response to the determinations." (Office Action, Page 3.) In describing step 20 of Figure 2, however, *Perras* merely discloses:

The method may start with step 20 wherein a Point-to-Point Protocol (PPP) connection is established between the MN 36 through the PCF/BSC 38 to the PDSN 40. In the network 35, the establishment of the PPP connection of step 20 may be mandatory for allowing a communication to take place between the MN 36 and the PDSN 40. Responsive to the establishment of the PPP connection, the PDSN 40 starts a PPP timer set to expire after a substantially short predetermined period of time, such as for example after two minutes, step 41.

(*Perras*, Col. 4, Lines 50-59.) That is, the passage discloses that a PPP connection is established, but fails to disclose, teach, or suggest "deciding, at the packet data serving node, whether to negotiate a point-to-point session for the mobile node *in response to the determinations*" (emphasis added). In fact, since the method of *Perras* *starts* with

establishing a PPP connection, *Perras* fails to disclose, teach, or suggest *negotiating* a point-to-point session in response to the determinations.

Furthermore, *Perras* clearly discloses the purpose of its invention as:

a method, a system and a Packet Data Serving Node (PDSN) for registering a Mobile Node (MN) with the PDSN. Once a Point-to-Point Protocol (PPP) connection is established between the MN and the PDSN, a PPP timer is started, the PPP timer being set to expire after a predetermined period of time. A Mobile Internet Protocol (MIP) registration takes place between the MN and the PDSN. The PDSN detects if the MIP registration is successful and if so, resets the PPP timer to a substantially higher value and the PPP session continues until one of the involved parties terminates it. If the MIP registration is not successful, ***the PDSN further detects if a new MIP registration request is received before the expiration of the predefined period of time***, and if so, ***the PDSN resets*** the PPP timer again to the predefined period of time. Otherwise, if a new MIP registration request is not received before the timer expiration, ***the PDSN terminates*** the PPP connection.

(*Perras*, Abstract (emphasis added).) That is, the PDSN decides whether or not to ***terminate*** the PPP connection. *Perras*, however, clearly fails to disclose, teach, or suggest “deciding, at the packet data serving node, whether to ***negotiate*** a point-to-point session for the mobile node in response to the determinations.”

Consequently, at a minimum, the *Madour I - Abrol - Perras* combination fails to disclose, teach, or suggest the elements specifically recited in independent Claim 1 or its dependents. For similar reasons, the *Madour I - Abrol - Perras* combination fails to disclose, teach, or suggest the elements specifically recited in independent Claims 8, 9, 15, 16, 23, 26, 32, 33, 39, 40, and 41 or their respective dependents. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 1-41.

**CONCLUSION**

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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